

REMARKS

Claims 1-17 and 35 are pending. Claims 18-34 have been withdrawn. Claims 1-17 and 35 have been rejected. The claims have been objected to. Claims 1 and 5-17 have been amended. No new matter has been added. Applicant believes that the claims are now in condition for allowance.

Applicants would like to thank the Examiner for acknowledging receipt of the translation of the foreign priority document. Applicant would also like to thank the Examiner for pointing out that the translation was filed without a statement that the translation of the certified copy is accurate. Applicants are re-filing the translation of the priority document together with a statement that the certified copy is accurate.

Objections to the claims

The claims have been objected to for having claims depending from dependent claims which are separated by a claim that doesn't depend from said dependent claims. In a telephone interview with the Examiner on November 16, 2005, The Examiner agreed that this issue was probably best addressed when subject matter had been allowed and the application was ready to issue. Applicant would like to thank the Examiner for his cooperation on this issue.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4 and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura et al. (U.S. Patent No. 5,964,309), in view of Singh et al. (U.S. Patent No. 6,572,993). Claims 5-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura et al. (U.S. Patent No. 5,964,309), in view of Singh et al. (U.S. Patent No. 6,572,993) and further in view of Suguira et al. (US 2002/0038732). Applicant respectfully traverses the rejections.

Applicant respectfully notes that the filing date of Singh is December 20, 2000, which is later than the priority date of this application, *i.e.*, November 17, 2000. Therefore, Singh is not a prior art to the present application. As such, Singh is not an appropriate reference for application under 35 U.S.C. § 103. To verify the priority date of the present application, a

translation of the priority document with a statement that the translation is accurate is attached. In view of this, Applicant respectfully request that Singh be withdrawn as a cited reference.

Claims 1-4

Claims 1-4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura et al. (U.S. Patent No. 5,964,309), in view of Singh et al. (U.S. Patent No. 6,572,993). Applicant respectfully disagrees.

Claim 1 is independent. Claims 2-4 depend from claim 1 and as such incorporate each and every element of claim 1. Kimura fails to teach or suggest the subject matter of claim 1, specifically an electric double layer capacitor which is substantially directly connected to the fuel cell. In fact, the Examiner admits that Kimura fails to teach such a capacitor. (See page 5, paragraph 20 of the present Office Action.) The Examiner has attempted to address this shortcoming by combining Kimura with Singh.

As indicated above, Singh is not an appropriate reference to be cited. The filing date of Singh is December 20, 2000. The priority date of the pending application is November 17, 2000 (a translated copy of the priority document is attached). Therefore, Singh is not a prior art to the present application. As such, the combination of Singh with Kimura to cure the deficiencies of Kimura is inappropriate.

Therefore, because Kimura fails to teach or disclose each and every element of claim 1, and subsequently claims 2-4, and Singh does not predate the priority of the present application, Applicant believes that claims 1-4 are now in condition for allowance. As such, Applicant respectfully requests the withdrawal of the rejection to claims 1-4 under U.S.C. § 103.

Claims 5-17

Claims 5-17 depend directly or indirectly from claim 1 and as such incorporate each and every element of claim 1. As discussed above, Kimura fails to teach or disclose the subject matter of claim 1, specifically an electric double layer capacitor which is substantially directly connected to the fuel cell. Also as discussed above, the present application claims priority to a date before the filing date Singh.

Therefore Singh cannot be relied upon as a reference. The addition of Sugura does not cure this deficiency.

Therefore, because neither Kimura nor Sugura, alone or in combination, fails to teach or disclose each and every element of claims 5-17, Applicant believes that claims 5-17 are now in condition for allowance. As such, Applicant respectfully requests the withdrawal of the rejection to claims 5-16 under U.S.C. § 103.

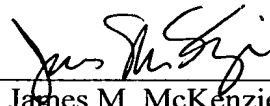
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SIW-022 from which the undersigned is authorized to draw.

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Respectfully submitted,

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